

Appl. No. 10/735,041  
Amdt. Dated October 18, 2005  
Reply to Office Action of July 22, 2005

### REMARKS

This is a full and timely response to the non-final Office action mailed July 22, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-19 remain pending in this application, with Claims 1, 7, 14, and 19 being the independent claims. Claims 1, 7, 10, 14, and 19 have been amended herein. No new matter is believed to have been added.

### Rejections Under 35 U.S.C. § 102

Claims 1-4, 7, and 11-19 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,196,794 (Murata), and Claims 1, 5, 6, and 10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,459,261 (Luetzow). These rejections are respectfully traversed.

Independent Claims 1, 14, and 19 now each recite that the magnetic properties of the first region, stripe of material, and portion of the region, respectively, vary monotonically within a predetermined number of radians of rotation, and independent Claim 7 now recites that the magnetic properties of the first track vary monotonically within substantially  $2\pi$  radians of rotation. Conversely, both Murata and Luetzow each disclose regions of magnetic or ferromagnetic material interposed by air gaps. Nowhere do either Murata or Luetzow disclose, or even remotely suggest, that the regions of magnetic or ferromagnetic material, or the interposing air gaps, vary monotonically<sup>1</sup> within any number of radians of rotation.

In view of the foregoing, it is submitted that independent Claims 1, 7, 14, and 19 each recite at least one feature that is neither disclosed nor suggested in either Murata or Luetzow. As such, reconsideration and withdrawal of the § 102 rejections is respectfully solicited.

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<sup>1</sup> The American Heritage Dictionary of the English Language, Fourth Edition (2000), defines monotonically as: designating sequences, the successive members of which either consistently increase or decrease but do not oscillate in relative value. Each member of a monotone increasing sequence is greater than or equal to the preceding member; each member of a monotone decreasing sequence is less than or equal to the preceding member.

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Conclusion

Based on the above, independent Claims 1, 7, 14, and 19 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 10/18/05

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